

**U.S. Department of Justice**

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February 17, 2006

**VIA E-FILING**

The Honorable Kent A. Jordan  
Room 6325  
Lockbox 10  
844 King Street  
U.S. Courthouse  
Wilmington, DE 19801

and

The Honorable Gregory M. Sleet  
Room 4324  
Lockbox 19  
844 King Street  
U.S. Courthouse  
Wilmington, DE 19801

Re: Hickman v. Marzec, Consol. No. 1:05-cv-00811-KAJ (D. Del.)  
Hickman v. Town of Delmar, Consol. No. 1:05-cv-00811-KAJ (D. Del.)  
White v. Marzec, No. 1:06-cv-00008-GMS (D. Del.)  
Weatherspoon v. Marzec, No. 1:06-cv-00008-GMS (D. Del.)

Dear Judge Jordan and Judge Sleet:

I write on behalf of the United States and on behalf of the Defendants in the above-captioned cases to the extent the Defendants are named in their official capacities. I am not yet authorized to represent the Defendants to the extent they are named in their individual capacities.

I write to inform the Court that the above-captioned cases – all of which were filed pro se – appear to be related. As such, the cases may benefit from assignment to a single Judge. Specifically, the first two cases – Hickman v. Marzec and Hickman v. Town of Delmar – were filed by Steve A. Hickman against, among others, Detective Marzec, allegedly a Delmar Police Officer, and allege, among other things, that on September 21, 2005, Detective Marzec conducted a search of Hickman's residence in Lincoln, Delaware that was illegal because the search warrant Detective Marzec used referred to a residence in Ellendale, Delaware. Those cases were consolidated by Judge Jordan on February 1, 2006. (See Doc. No. 9 in C.A. No. 1:05-cv-00839-KAJ.) Additionally, Judge

Jordan exercised his screening duty under 28 U.S.C. § 1915 and made certain substantive rulings in those consolidated cases.

After Hickman v. Marzec and Hickman v. Town of Delmar were already pending, two additional cases were filed by other plaintiffs that also arise out of the same events on September 21, 2005. Specifically, on January 5, 2006, Sandra J. White filed White v. Marzec which alleges, among other things, that Detective Marzec illegally searched the Lincoln, Delaware residence because the search warrant used referred to the Ellendale, Delaware address. Also on January 5, 2006, Tawanda Weatherspoon filed Weatherspoon v. Marzec raising, among other things, the same allegations that a defective warrant was used during the September 21, 2005 search.<sup>1</sup> To the undersigned's knowledge, Judge Sleet has not yet taken any substantive action in these later-filed cases.

As set forth above, all four cases share parties. Additionally, the allegations in all four cases appear to grow out of the same event and, thus, involve common issues of fact. Accordingly, given the relatedness of the four cases, I respectfully submit that it might be appropriate to have all four actions assigned to the same Judge.

I am available at the call of the Court to discuss any questions or concerns the Court might have.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

By: /s/ Seth M. Beausang  
Seth M. Beausang (I.D. No. 4071)  
Assistant United States Attorney

cc: Steve A. Hickman, pro se (by First Class Mail)  
Tawanda Weatherspoon, pro se (by First Class Mail)  
Sandra J. White, pro se (by First Class Mail)  
Clerk, United States District Court for the District of Delaware (by hand delivery)

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<sup>1</sup>The four actions are not identical. Notably, the two actions consolidated by Judge Jordan – Hickman v. Marzec and Hickman v. Town of Delmar – also name the Town of Delmar and presumably are attempting to allege that the Town of Delmar had an unconstitutional policy or custom that caused an injury to Mr. Hickman. The other two actions – White v. Marzec and Weatherspoon v. Marzec – name the other two agents involved in the September 21, 2005 search, namely DEA Agents Tom Jacobs and Chris Quaglino, and allege, among other things, that the agents used excessive force and did not “knock and announce” when they conducted the search. However, the thrust of all four actions appears to be the allegedly defective search warrant.